



DOCKET FILE COPY ORIGINAL

Ocean Beach School District No. 101

P.O. Box I, 405 School Road NE
Ilwaco, Washington 98624-0259

Phone (360) 642-3739 FAX (360) 642-1298

"Becoming Responsible, Caring, Lifelong Learners"



RECEIVED

April 23, 2001

APR 30 2001

Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Room TW-A325
Washington, DC 20054

FCC MAIL ROOM

In the matter of: Request for Review by Ocean Beach School District No. 101 of
Decision of Universal Service Administrator, reference FCC Docket Nos. 96-45
and 97-21

Please consider favorably this appeal of the USAC School and Libraries Division
Administrator's Decision on Appeal Form 471 Application Number 174561, Funding
Request Number 347711 based on the following facts:

1. **Ocean Beach School District No. 101 DID comply with the required timelines for posting and accepting contracts.**
2. **The initial denial was caused by a one-digit typographical error in the REPORTING of the contract date, not in the date itself. Had the date been correctly REPORTED, the funding request would have been accepted.**
3. **This appeal is not within the 30 day limit due the SLD's failure to adjust its records when notified of our address change and the failure of the original February 13, 2001, denial letter to be forwarded to the new location.**
4. **This appeal is being filed within two weeks of the school district's receipt by fax of a copy of the denial letter sent on the request of the district; and**
5. **Depriving each of the students of our relatively poor district the equivalent of new social studies textbooks because of the one-digit reporting error seems to be a truly onerous penalty.**

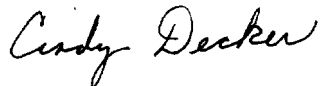
The rationale in the denial letter from the SLD Administrator does not address the facts described in our appeal letter dated May 9, 2000. That appeal describes the sequence of events and provides supporting evidence for the accuracy of the corrected date.

No. of Copies rec'd 0
List A B C D E

Attached are copies of the May 9, 2000, appeal materials and copies of my additional communications with SLD. The local Post Office cannot explain what happened to the original denial letter dated February 13, 2001, but our district office is so small (a portable) and our interest in E-Rate so great that it is unlikely to have made it in our doors.

Please review our appeal of May 9, 2000 so that our students can have the benefits we strove to give them. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Decker".

Cindy Decker, CPA
Business Manager

CC: Congressman Brian Baird

Subject: RE: Change of personnel and address

Date: Wed, 27 Sep 2000 14:59:21 -0500

From: "E-Rate, SLC" <question@universalservice.org>

To: 'Cindy Decker' <cindy.decker@ocean.k12.wa.us>

Thank you for your inquiry. We have forwarded the contact information regarding the school district's change of address to the appropriate department. In regards to the contact person, the most effective manner is to list the new contact person on any and all correspondence including forms to the Schools and Libraries Division.

If you have any further questions please feel free to contact our Schools & Libraries Helpline at 888-203-8100 or contact us at question@universalservice.org. Please remember to visit our website for updates <http://www.sl.universalservice.org> <<http://www.sl.universalservice.org>>

Thank you.

Universal Service Administrative Company

Schools and Libraries Division

<jec>

-----Original Message-----

From: Cindy Decker [<mailto:cindy.decker@ocean.k12.wa.us>

<<mailto:cindy.decker@ocean.k12.wa.us>>]

Sent: Wednesday, September 27, 2000 12:50 PM

To: question@universalservice.org

Subject: Change of personnel and address

Ocean Beach School District, billed entity # 145356, has moved to PO Box I, Ilwaco, WA 98624 from 1103 Pacific Ave N, Long Beach, WA 98631.

Also, I have replaced Mary Ellen Parrish - my e-mail is:

cindy.decker@ocean.k12.wa.us. The telephone and fax numbers remain the same. What do I need to do to have these changes take effect on your records? Thank you for your help

Cindy Decker

Subject: RE: Status of appeal**Date:** Wed, 25 Oct 2000 09:43:37 -0500**From:** "E-Rate, SLC" <question@universalservice.org>**To:** "cindy.decker@ocean.k12.wa.us" <cindy.decker@ocean.k12.wa.us>

Thank you for your inquiry. We received your letter of appeal on May 19, 2000. When a decision has been made you will receive notification by mail. At this point, we are unable to give you a timeframe when you may receive this letter.

If you have any further questions please feel free to contact our Schools & Libraries Helpline at 888-203-8100 or contact us at <mailto:question@universalservice.org> <<mailto:question@universalservice.org>> . Please remember to visit our website for updates <http://www.sl.universalservice.org/> <<http://www.sl.universalservice.org/>> .

Thank you.

Universal Service Administrative Company
Schools and Libraries Division <jac>

-----Original Message-----

From: Cindy Decker [<mailto:cindy.decker@ocean.k12.wa.us> <<mailto:cindy.decker@ocean.k12.wa.us>>]

Sent: Tuesday, October 24, 2000 2:21 PM

To: Question@universalservice.org

Subject: Status of appeal

I began work at Ocean Beach School District mid-September. I found that we had filed an appeal of a funding denial on May 9, 2000, which was acknowledged by SLC on August 7. I would appreciate knowing the status of this appeal. We are billed entity #145356; our Form 471 Application Number is 174561 and the funding request number is 347711. Thank you for your help.

Cindy Decker



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year Three (July 1, 2000 – June 30, 2001)

February 13, 2001

Mary Ellen Parrish, Business Manager
Ocean Beach School District 101
1103 Pacific Highway North
Long Beach, WA 98631

Re: Billed Entity Number: 145356
471 Application Number: 174561
Funding Request Number(s): 347711
Your Correspondence Dated: May 9, 2000

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 347711
Decision on Appeal: Denied in full
Explanation:

According to line 35 on your original 471, you signed Jan 1, 2000 as your signature date, which was prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. See 47 C.F.R. §§ 54.504, 54.511(a), (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. See 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Red 10095, 10098 ¶ 9 (1997).

Your Form 470 (Application Number: 958390000256116) was posted on 12-7-1999. In your Form 470 Receipt Notification Letter, SLD notified you that that the earliest date upon which you could sign and submit your Form 471 was 1-4-2000. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing and/or submitting your Form 471.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

August 7, 2000

RECEIVED

Mary Ellen Parrish
OCEAN BEACH SCHOOL DIST 101
1103 PACIFIC AVE N
LONG BEACH, WA 98631 3540

APR 30 2001

FCC MAIL ROOM

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence regarding the 2000-2001 funding decision on your application. Here are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the program integrity assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. We will then follow with a funding commitment decision letter for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We have begun in-depth review of the appeals we have received, and our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your case with the care and attention it deserves.

Schools and Libraries Division
Universal Service Administrative Company



Ocean Beach School District No. 101

1103 Pacific Highway North
Long Beach, Washington 98631

Phone (360)642-3739 FAX (360) 642-1298



May 9, 2000

RECEIVED

APR 30 2001

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

FCC MAIL ROOM

Re: Funding Commitment Decision Letter
Year 3: 07/01/2000 - 06/30/2001

Ocean Beach School District #101
Form 471 Application Number: 174561
Billed Entity Number: 145356
Funding Request Number: 347711

To: SLD FCD Appeals

Ocean Beach School District #101 was denied E-rate funding for our basic telecommunication services (Form 471 Application Number: 174561) because of a "Signature Violation."

All three of our submitted E-rate 471 forms were signed on the same day, January 14, 2000, submitted in the same envelope, and sent via the same courier (FedEx). See Exhibits A, B, and C. Application 174561, however also included a Block 6 which has a date of January 1__, 2000. I appeal to you that this is an error or oversight made by the preparer of the document and not caught by me, the signer. As proof that the agreement was **not** signed prior to January 14, 2000, I am also enclosing Exhibit D, the cover page of the Request for Proposal showing that bids were not due at District Office until January 3, 2000 and Ocean Beach School District Board Agenda (Exhibit E) showing that the low bidder did not receive board approval until January 10, 2000. It would have been impossible to have determined the service provider prior to either of these dates.

I apologize for this unintentional oversight and do appeal to you to reconsider this funding request for our basic telecommunications service. It is my understanding that funding basic telecommunications service is the primary goal of the SLD and I do hope our District will be funded again in Year 3 of the program.

Ocean Beach School District No. 101 is an Equal Opportunity Employer

Our District received E-Rate funds for telecommunications (and other services) during the 1999-2000 funding year. We are aware of the specific requirements and deadlines of a program such as E-Rate and are certain that the signature page date on the Form 471: 174561 for FRN: 347711 is incorrect and should read January 14, 2000 like the other 471's from Ocean Beach School District.

Please contact me at 360 642-3739 should you have further questions. Thank you for considering this request.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ellen Parrish".

Mary Ellen Parrish
Business Manager
maryellen.parrish@ocean.k12.wa.us



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

SCHOOLS AND LIBRARIES DIVISION

FUNDING COMMITMENT DECISION LETTER
(Funding Year 3: 07/01/2000 - 06/30/2001)

April 14, 2000

RECEIVED

APR 30 2001

OCEAN BEACH SCHOOL DIST 101
Mary Ellen Parrish
1103 PACIFIC AVE N
LONG BEACH, WA 98631-3540

FCC MAIL ROOM

Re: Form 471 Application Number: 174561
Funding Year 3: 07/01/2000 - 06/30/2001
Billed Entity Number: 145356

Thank you for your 2000-2001 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved. THE FORM 486 IS UNDER REVISION AND WILL BE MADE AVAILABLE AS SOON AS IT IS READY. Information will be posted on the SLD web site at www.sl.universalservice.org regarding the availability of this form for the funding period 07/01/2000 - 06/30/2001. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you.

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SLD at the address below WITHIN 30 DAYS OF THE ABOVE DATE ON THIS LETTER. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. Identify which FCD Letter you are appealing. Your letter of appeal must include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.

3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter brief and to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an original authorized signature on your letter of appeal.

Please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Appeals submitted by fax, phone call, and e-mail CANNOT be processed. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445-12th Street SW, Room TW-A325, Washington, DC 20554. Further information regarding filing an appeal directly with the FCC can be found in the "How to Apply, Step-by-Step" area of the SLD web site www.sl.universalservice.org.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Federal Communications Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or Service Provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries through advanced telecommunications services.

Sincerely,

Kate L. Moore
President, Schools and Libraries Division, USAC

Enclosures

A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each E-rate funding request from your application. We are providing the following definitions.

- * **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.
- * **FUNDING STATUS:** Each FRN will have one of three definitions: "Funded," "Not Funded," or "As Yet Unfunded."
 1. An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
 2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules or, that the total amount of funds in the Universal Service Fund was insufficient to fund all requests.
 3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both telecommunications services and internal connections, you might receive a letter with our funding commitment for your telecommunications funding requests and a message that your internal connections requests are "As Yet Unfunded." You would receive a subsequent letter(s) regarding the funding decision on your internal connections requests.
- * **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs. A SPIN is also used to verify delivery of services and to arrange for payment.
- * **SERVICE PROVIDER NAME:** The legal name of the service provider.
- * **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- * **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- * **EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date of service for which the SLD will reimburse service providers for the discounts for the service. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- * **CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.
- * **SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.
- * **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.
- * **PRE-DISCOUNT AMOUNT:** Amount in Block 5, Item 23, Column I, Form 471, as determined through the application review process.
- * **DISCOUNT PERCENTAGE APPROVED BY THE SLD:** This is the discount rate that the SLD has approved for this service.
- * **FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the

SLD has reserved to reimburse service providers for the approved discounts for this service through June 30, 2001. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

- * FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 174561

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Funding Request Number: 347711 Funding Status: Not Funded
SPIN: 143002590 Service Provider Name: CenturyTel of Washington, Inc
Contract Number: T
Services Ordered: Telecommunications Services
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Billing Account Number: 360 642 3739
Pre-Discount Amount: \$49,592.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Signature Violation
Funding Commitment Decision Explanation: The Form 471 application was signed and/or
submitted prior to the expiration of the 28-day waiting period from the day of the
posting of the Form 470 to the SLD Web Site.